



Public Works Committee Meeting  
January 9, 2018  
6:00 p.m.  
Cravath Lakefront Room  
Municipal Building-2nd Floor  
312 W Whitewater St  
Whitewater, WI 53190

### **AGENDA**

1. Call to order and roll call.
2. Approval of minutes from December 6, 2017
3. Hearing of Citizen Comments
  - a. No formal Public Works Committee action will be taken during this meeting although issues raised may become a part of a future agenda. Participants are allotted a three minute speaking period. Specific items listed on the agenda may not be discussed at this time; however citizens are invited to speak to those specific issues at the time the Public Works Committee discusses that particular item
4. Old Business
5. New Business
  - a. Discussion and possible direction regarding parking on Scott Street and recommendation to discontinue the section of S. Scott Street entering onto Whitewater Street. (Referred from Common Council)
  - b. Discussion and possible action regarding parking in the Starin Park Neighborhood (Franklin Street, Starin Park parking lot, Prairie Street north of Starin Road).
  - c. Presentation on Whitewater/UW Whitewater TMDL Stormwater Plan.
  - d. Discussion regarding additional left turn arrows at Main Street intersections controlled by traffic signals.
  - e. Discussion regarding restricting parking spaces to “compact cars only” along Main Street near intersections in the downtown area.
  - f. Discussion regarding Office of the Commissioner of Railroads Determination of the Adequacy of Warning Devices at Walworth Street, Franklin Street and Janesville Street.
6. Future Agenda Items
7. Adjournment

***It is possible that members of, and possibly a quorum of members of, other governmental bodies of the municipality may be in attendance at the above-stated meeting to gather information over which they may have decision-making responsibility; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.***

**Anyone requiring special arrangements is asked to call the  
Office of the City Manager / City Clerk  
at least 72 hours prior to the meeting.**

AGENDA ITEM
Discussion regarding additional left turn arrows at Main Street intersections controlled by traffic signals.
BACKGROUND
<p>A request was received from Rose Green for the Council to investigate installing additional left turn arrows at signalized intersections along Main Street. Signals currently exist at:</p> <ol style="list-style-type: none"><li>1. Whitewater Street (left turn westbound traffic)</li><li>2. Freemont Street (left turn east and westbound traffic)</li><li>3. Franklin Street (left turn east and westbound traffic)</li><li>4. Prairie Street</li><li>5. Whiton Street</li><li>6. Prince Street</li><li>7. Tratt Street</li><li>8. Elizabeth Street</li></ol> <p>At the three intersections that currently have left turn arrows, Main Street is one lane in each direction with a designated left turn lane. At the other five locations, Main Street is two lanes in each direction. In order to provide left turn arrows at any of these five intersections, the inside lane would have to be designated as a left turn only lane in order to provide protected left turns. The other option would be to provide split timings on Main Street. This would allow protected left turns and through traffic for westbound traffic while eastbound traffic is stopped and then protected left turns and through traffic for eastbound traffic while westbound traffic is stopped. The introduction of left turn arrows would more than likely lengthen the overall time of the traffic signal cycle.</p>
FISCAL IMPACT
<p>A traffic engineering consulting firm would need to be hired to collect traffic data and build a traffic simulation model to determine the timings of the new signals and the Level of Service to be expected resulting from the introduction of left turn arrows.</p>
STAFF RECOMMENDATION
<p>Staff recommends not to install left turn arrows at the remaining five intersections.</p>
<p>Staff contact: Brad Marquardt 262-473-0139</p>

Agenda Item No.  
5a

***STAFF REPORT TO PUBLIC WORKS COMMITTEE – 1-9-2018***

AGENDA ITEM
Discussion and possible direction regarding parking on Scott Street and recommendation to discontinue the section of S. Scott Street entering onto Whitewater Street. (Referred from Common Council)
BACKGROUND
On Monday, September 11, 2017, the Whitewater Plan and Architectural Review Commission discussed issues regarding Scott Street as part of the Conditional Use Permit for 329 S Scott Street. Residents were notified that the issue would be discussed at the Commission's October 9, 2017 meeting. After receiving resident's input, the Commission moved to bring the topic to the full Council with proposed changes. The changes are outlined in a Memo from Chistine Munz-Pritchard to Lynn Binnie. The Council referred the matter to the Public Works Committee for further evaluation.
FISCAL IMPACT
Any changes to Scott Street traffic circulation or parking should be minimal and provided by City staff.
STAFF RECOMMENDATION
Based on input at the Plan and Architectural Review Commission meeting, staff is in agreement with the recommended changes.
Staff contact: Brad Marquardt 262-473-0139



*City of Whitewater Council Agenda Item Information Sheet*

MEETING DATE: **12/19/2017**

ITEM: **Scott Street Design & Parking**

PRESENTER: **Council Member Lynn Binnie**

PREVIOUS ACTION, IF ANY: **None.**

**SUMMARY OF ITEM BEING PRESENTED:**

**The Plan and Architectural Review Commission discussed a possible change to Scott Street on both September 11 and October 9 of 2017. Scott Street is very narrow and for most of the length of the street, the width is no wider than a typical alleyway. Traffic on Scott Street however, has increased over time with many residents in the area now using Scott Street to avoid the difficult intersection at Walworth Avenue and Janesville Street.**

**As part of the Plan and Architectural Review Commission discussion, strategies were proposed that may help reduce the volume of traffic on Scott Street and thereby improve safety for residents and pedestrians in the area.**

BUDGET IMPACT, IF ANY: **None at this time.**

BOARD, COMMISSION, OR COMMITTEE RECOMMENDATION, IF ANY: **The Plan and Architectural Review Commission discussed a possible change to Scott Street on both September 11 and October 9 of 2017.**

STAFF RECOMMENDATION: **None.**

RECOMMENDED MOTION: **None.**

ATTACHMENT(S) INCLUDED (If none, please state):

**Plan and Architectural Commission Report on Scott Street**

FOR MORE INFORMATION CONTACT:

**Cameron Clapper, [cclapper@whitewater-wi.gov](mailto:cclapper@whitewater-wi.gov), 262-473-0100**

**Chris Munz-Pritchard, [cmunz-pritchard@whitewater-wi.gov](mailto:cmunz-pritchard@whitewater-wi.gov), 262-473-0143.**

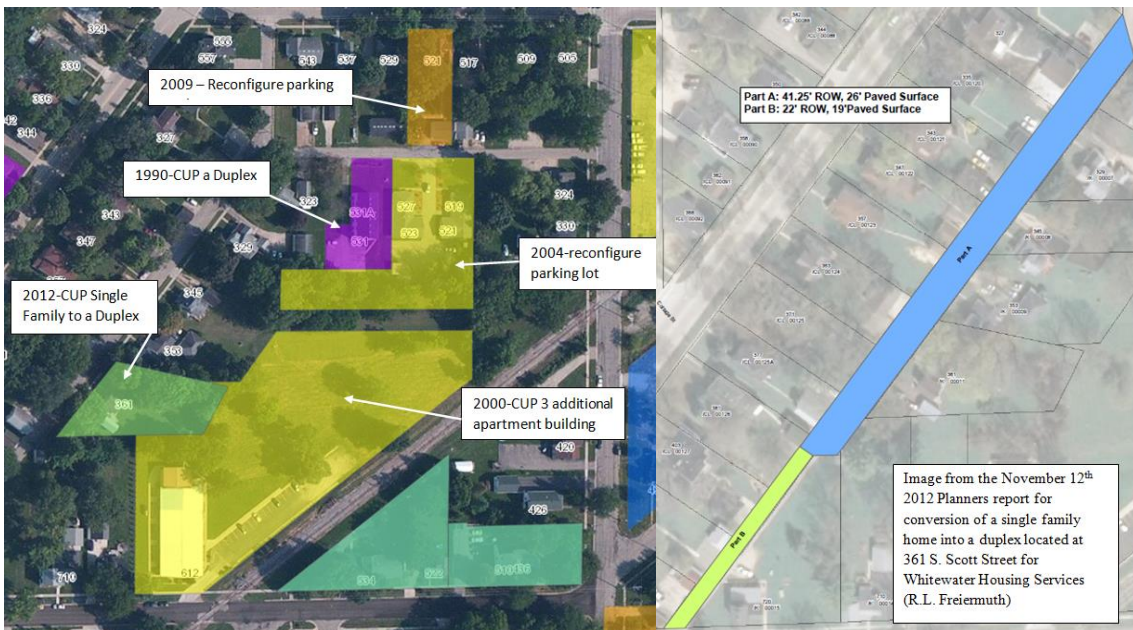
## MEMORANDUM

To: Lynn Binnie Aldermanic District 4  
From: Christine Munz-Pritchard City Planner  
Date: November 7th, 2017  
Re: **Conceptual Review of Scott Street.**

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### Scott Street:

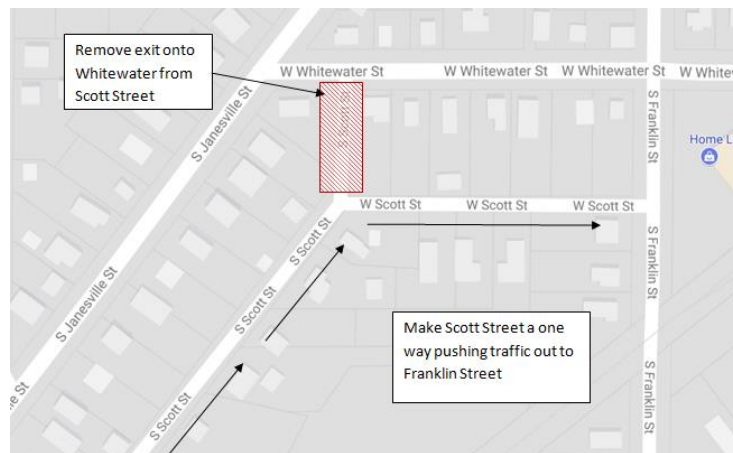
At the Monday, September 11, 2017, Whitewater Plan and Architectural Review Commission meeting, were issues regarding Scott Street infrastructure was discussed as part of the Conditional Use Permit application to allow for the conversion of a single-family home into a duplex at 329 S Scott Street (the CUP has since been pulled by the developer). Scott Street was essentially designed as an alley way. The increase in density over the years is requiring the City to look at improvements to upgrade the infrastructure in the area. This is illustrated in the map below showing the number of CUP's in the area increasing density or parking and a map showing the narrowness of Scott Street presented during a CUP in 2012.



After the September 11 meeting I met with Chuck Nass, the Streets, Parks and Forestry Superintendent, to discuss possible short term and long-term solutions for this area. Long term would deal with better traffic control at the Five Points intersection at Walworth Ave and Janesville St and a universal parking area for much of the higher density housing. The short-term solution is to vacate the small portion of S Scott Street and turn the right of way back to



the adjacent land owners (see picture below), with W Scott Street becoming a one way from Walworth Street to Franklin Street. Currently no utilities would be affected by this change.



Area residents were notified that possible improvements to Scott Street would be on the agenda for the October 9, 2017 Plan Commission meeting. At that meeting the proposed viable short-term solution was discussed. Notice to residents was sent out to discuss possible improvements to Scott Street. After citizens' comments, there was a motion that this topic be brought to the City Council by Lynn Binnie. The proposed changes included eliminating parking on Scott Street, with allowance for temporary exceptions by special arrangement with the City, and removing the exit onto Whitewater Street from Scott Street (see red area above in map). It should be noted that the sidewalk along the removed area of Scott Street would stay open per request of the Planning Commission (see map below).



The following are the ordinance amendments that would be required if the Common Council accepts this recommendation. Street Index of Parking Restrictions 11.16.150 and Stop Signs 11.12.011.

<i>Street Index of Parking Restrictions 11.16.150 (Current Ordinance)</i>				
S	Scott St	West side; from W Whitewater, south to W Walworth	11.16.080	No parking
S	Scott St	East side; from the south curb line of W Whitewater, south to a point 158 feet south	11.16.080	No parking

<i>Street Index of Parking Restrictions 11.16.150 (Change Ordinance)</i>				
S	Scott St	Both sides; from W Whitewater, south to S Franklin St.	11.16.080	No parking

With the removal of South Scott Street this will change the stop sign ordinance.

<i>Stop Sign 11.12.011 (Current Ordinance)</i>	
SCOTT STREET, SOUTH	Southbound at W. Walworth Street
SCOTT STREET, SOUTH	Northbound at W. Whitewater Street
SCOTT STREET, WEST	Eastbound at S. Franklin Street
SCOTT STREET, WEST	Westbound at S. Scott Street

<i>Stop Sign 11.12.011 (Change Ordinance)</i>	
SCOTT STREET, SOUTH	Southbound at W. Walworth Street
SCOTT STREET, WEST	Eastbound at S. Franklin Street

AGENDA ITEM
Discussion and possible action regarding parking in the Starin Park Neighborhood (Franklin Street, Starin Park parking lot, Prairie Street north of Starin Road).
BACKGROUND
<p>At a recent Council meeting, a resident brought up the issue of parking on Franklin Street south of Starin Road and the problem it causes with people trying to exit their driveways. The issue was brought up at the Starin Park Neighborhood meeting again along with some possible ideas to help keep cars parked away from the edge of the driveways. These ideas included painting the curb, painting stalls or adding additional signage. Parking in general within Starin Park was also discussed at the neighborhood meeting.</p> <p>The parking within Starin Park was also discussed at the Park and Recreation meeting December 20<sup>th</sup>. The Park and Recreation committee asked the Public Works Committee to discuss the use of the Starin Park parking lot just behind the Water Department building. In addition, the Public Works committee was asked to look at the parking on the east side of Prairie Street north of Starin Road as to if it is public parking.</p> <p>Included is an informal parking tally of the parking along Franklin Street, the Starin Park parking lot, and Prairie and Prince Streets south of Starin Road for a one week snapshot.</p>
FISCAL IMPACT
Any changes to signage or painting should be able to be accomplished with City staff.
STAFF RECOMMENDATION
Staff has no formal recommendation.
Staff contact: Brad Marquardt 262-473-0139



Date	Franklin Street	Park Street	Starin Park	Prairie Street	Prince Street
Tuesday 11/28/17 3:00 p.m.	13	1	80%	90%	20%
Wednesday 11/29/17 9:45 a.m.	10	2	60%	100%	20%
Wednesday 11/29/17 2:45 p.m.	14	0	80%	80%	20%
	1190	229			
Thursday 11/30/17 11:45 a.m.	13	2	80%	100%	20%
Thursday 11/30/17 2:30 p.m.	12	3	60%	75%	20%
	1168	197			
Friday 12/1/17 8:45 a.m.	5	0	25%	60%	5%
Friday 12/1/17 2:00 p.m.	4	0	20%	25%	10%
	1263	205			
Monday 12/4/17 12:00 p.m.	13	1	60%	95%	30%
Monday 12/4/17 2:15 p.m.	22	1	75%	75%	30%
	Sat/Sun/Mon 2593	Sat/Sun/Mon 637			
Tuesday 12/5/17 10:45 a.m.	16	6	80%	99%	20%
	1299	192			

#### Observations:

1. On Franklin Street, there were always cars parked at the south end. On Monday 12/4 there were also cars parked midblock as in people were visiting a house.
2. The parking on Prince Street was mainly located on the north end with a few cars parked on the very south end.
3. Cars on Park Steet on Monday 12/4 were toward south end and included two single unit trucks.

Agenda Item No.  
5c

***STAFF REPORT TO PUBLIC WORKS COMMITTEE – 1-9-2018***

AGENDA ITEM
Presentation on Whitewater/UW Whitewater TMDL Stormwater Plan.
BACKGROUND
Strand was obtained to prepare a Stormwater Quality Management Plan in conjunction with a DNR Planning Grant. The final report was submitted to the DNR on December 28, 2017 meeting the requirements of the Grant. Strand will be in attendance to provide an overview of the report.
FISCAL IMPACT
None at this time
STAFF RECOMMENDATION
Staff recommends accepting the report.
Staff contact: Brad Marquardt 262-473-0139

AGENDA ITEM
Discussion regarding restricting parking spaces to “compact cars only” along Main Street near intersections in the downtown area.
BACKGROUND
<p>A request was received from Rose Green for the Council to investigate restricting the first 2 to 3 parking spaces near intersections in the downtown to “compact cars only”. Ms. Green’s concerns are due to vision from the side streets when turning onto Main Street.</p> <p>In the downtown area, the intersections of Whitewater and Fremont Streets with Main Street are controlled by traffic signals. The intersection at N. 1<sup>st</sup> Street has parallel parking in both directions. The intersection of S. 1 Street has angle parking to contend with in both directions. The north leg of 2<sup>nd</sup> Street has parallel parking to the east. The south leg of 2<sup>nd</sup> Street has angle parking to the east and parallel parking to the west.</p> <p>Due to the parking area, especially the angle parking area on the south side, the travel lane of Main Street is further away from the side street stop bar than what is typical, but not unusual in downtown settings. This does restrict the “vision triangle” of oncoming vehicles. However, after stopping at the stop bar, vehicles can proceed into the intersection to gain a better line of sight, in either direction, and still be protected from through vehicles due to the parking area. If the end few stalls are labeled as “compact only” a car could still legally park towards the back end of the parking stall, thus still impeding the line of sight.</p>
FISCAL IMPACT
Compact only signs could be installed at a minimal cost by City staff.
STAFF RECOMMENDATION
Staff’s recommendation is to leave the parking stalls marked as they are.
Staff contact: Brad Marquardt 262-473-0139

AGENDA ITEM
Discussion regarding Office of the Commissioner of Railroads Determination of the Adequacy of Warning Devices at Walworth Street, Franklin Street and Janesville Street.
BACKGROUND
<p>The Commissioner of Railroads issued a notice of investigation on February 15, 2017 for the adequacy of warning devices at the grade crossing of the Wisconsin &amp; Southern Railroad (WSOR) tracks with Walworth Street, Franklin Street and Janesville Street. The investigation involves WSOR rehabilitating their track from Waukesha to Milton which will increase the max timetable speed from 25 mph to 40 mph.</p> <p>The Office of the Commissioner of Railroads has ordered the following:</p> <ol style="list-style-type: none"><li>1. WSOR shall install and maintain 12 inch flashing lights with gates at all 3 three crossings by December 31, 2020.</li><li>2. WSOR shall clear brush and trees from its right-of-way for 330 feet down the tracks in each direction from the Janesville Street and Franklin Street crossings by April 30, 2018.</li><li>3. City of Whitewater shall maintain advance warning signs on each approach at Walworth Street.</li><li>4. City of Whitewater shall maintain the southbound advance warning sign and install and maintain a northbound advance warning sign at Franklin Street by April 30, 2018.</li><li>5. City of Whitewater shall install and maintain a “parallel track” advance warning sign on Harper Street for the Walworth Street crossing by April 30, 2018.</li><li>6. City of Whitewater shall install and maintain pavement markings at Walworth and Franklin Street crossings by December 31, 2020.</li><li>7. WisDOT shall maintain advance warning signs and pavement markings at Janesville Street.</li></ol>
FISCAL IMPACT
City crews will install advance warning signs and pavement markings at minimal cost to the Ctiy.
STAFF RECOMMENDATION
Staff recommends to follow the orders as listed in the Final Decision from the Office of the Commissioner of Railroads.
Staff contact: Brad Marquardt 262-473-0139

**OFFICE OF THE COMMISSIONER OF RAILROADS****STATE OF WISCONSIN**

On the Commissioner's Own Motion for a Determination of the Adequacy of Warning Devices of the Wisconsin & Southern Railroad, L.L.C. tracks with Walworth Street, Franklin Street, and Janesville Street (STH 59) in the City of Whitewater, Walworth County

9170-RX-332

**FINAL DECISION**

On February 15, 2017, the Commissioner of Railroads, pursuant to Wis. Stat. §§ 195.03 (2) and 195.28, directed the staff of the Office of the Commissioner of Railroads (Office) to investigate the adequacy of warning devices at the grade crossing of the Wisconsin & Southern Railroad, L.L.C. (WSOR) tracks with Walworth Street, Franklin Street, and Janesville Street (STH 59) in the city of Whitewater (crossing no. 391603A / MP 50.09; crossing no. 391602T / MP 49.94; and, crossing no. 391604G / MP 50.45)

The Office issued a notice of investigation on February 15, 2017. ([PSC REF# 298057](#)) An Office investigator inspected the crossings in February of 2017. The investigator recommended upgrading the devices. ([PSC REF #298127](#)) ([PSC REF #298130](#)) ([PSC REF #298131](#)) No hearing was held.

The Commission ADOPTS the recommendation and ORDERS that the warning devices at the Walworth Street, Franklin Street, and Janesville Street crossings be upgraded as provided herein.

**Findings of Fact**

1. The WSOR operates 2 train movements per day over the crossings at a max timetable speed of 25 mph. The railroad operates 2 through movements and 0 switch movements each day. The crossings consist of one mainline track.

2. The WSOR is planning a multi-year rail rehabilitation project between Waukesha and Milton. The project will remove the 90lb jointed rail and replace it with 115lb continuous welded rail beginning in 2017 and continuing into 2018. Upon completion of the project, the max time table will increase from 25 mph to 40 mph.

3. It is reasonable for the WSOR to notify the Office at completion of this project.

4. It is reasonable for the signal materials and installation cost to be paid from state and federal safety funds.

**Walworth Street (No. 391603A / MP 50.09)**

5. Walworth Street is 49 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 45 degrees with left-hand forward skew. The roadway approaches to the crossing are level.

6. Walworth Street carried an average daily traffic (ADT) of 1,250 according to Wisconsin Department of Transportation (WisDOT) records at a posted speed limit of 25 mph.

7. Harper Street runs parallel to the tracks and intersects Walworth Street approximately 38 feet east from the railroad crossing.

8. A driver traveling at 25 mph needs a distance of 218 feet to stop safely. The crossing warning devices are visible from more than 218 feet in each direction. The approach sight distance is adequate.

9. Assuming a train speed of 40 mph, a driver traveling at 25 mph needs to see a train when it is 482 feet from the crossing from a point 218 feet down the highway. The sight distance available in each quadrant from the safe stopping distance is as follows: 90 feet in the



northwest quadrant, 187 feet in the northeast quadrant, 266 feet in the southwest quadrant and 266 feet in the southeast quadrant. The corner sight distance is inadequate in all four quadrants.

10. At all crossings, except those with gates, a driver stopped 21 feet short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 21 feet past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle (WB-65 semi-truck).

11. The necessary clearing sight distance at the Walworth Street crossing is 1,133 feet. The available clearing sight distance is 340 feet in the northwest quadrant, 337 feet in the northeast quadrant, 180 feet in the southwest quadrant, and 350 feet in the southeast quadrant. The clearing sight distance is inadequate in all four quadrants.

12. The exposure factor at this crossing is 2,500. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

13. No train-vehicle accidents have occurred at this crossing since 1973.

14. Accidents that do occur here will likely be quite serious especially if a WSOR through train is involved due to their 40 mph speed. Train speed is strongly correlated with fatalities in train/vehicle accidents. More specifically, crossings with train speeds of 40 mph and over have disproportionate number of fatalities.

15. The crossing is presently protected with reflective crossbucks and stop signs. Conditions warrant upgrading the warning devices at this crossing. The existing warning devices will be adequate until such time as the new warning devices are installed.

16. In order to adequately protect public safety, 12-inch LED automatic flashing lights with gates and constant warning time circuitry are needed because of the inadequate clearing sight distances in all four quadrants, inadequate corner sight distances in all four quadrants, and high train speeds.

**Franklin Street (No. 391602T / MP 49.94)**

17. Franklin Street is 51 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 60 degrees with right-hand forward skew. The roadway approaches to the crossing are level.

18. Franklin Street carried an ADT of 1,000 according to WisDOT records at a posted speed limit of 25 mph.

19. A driver traveling at 25 mph needs a distance of 196 feet to stop safely. The crossing warning devices are visible from more than 196 feet in each direction. The approach sight distance is adequate.

20. Assuming a train speed of 40 mph, a driver traveling at 25 mph needs to see a train when it is 440 feet from the crossing from a point 196 feet down the highway. The sight distance available in each quadrant from the safe stopping distance is as follows: 151 feet in the northwest quadrant, 73 feet in the northeast quadrant, 215 feet in the southwest quadrant, and 91 feet in the southeast quadrant. The corner sight distance is inadequate in all four quadrants.

21. At all crossings, except those with gates, a driver stopped 17 feet short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 17 feet past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle (WB-65 semi-truck).

22. The necessary clearing sight distance at the Franklin Street crossing is 1,052 feet. The available clearing sight distance is 165 feet in the northwest quadrant, 263 feet in the northeast quadrant, 350 feet in the southwest quadrant, 135 feet in the southeast quadrant. The clearing sight distance is inadequate in all four quadrants.

23. There is a spur located 50 feet from the crossing which may have parked train cars that could block a driver’s vision of oncoming through trains.

24. The exposure factor at this crossing is 2,000. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

25. Three train-vehicle accidents have occurred at this crossing since 1973, the crashes occurred in 1975, 1978, and 2016 with no reported injuries.

26. The crossing is presently protected with reflective crossbucks and stop signs. Conditions warrant upgrading the warning devices at this crossing. The existing warning devices will be adequate until such time as the new warning devices are installed.

27. In order to adequately protect public safety, 12-inch LED automatic flashing lights with gates and constant warning time circuitry are needed because of the inadequate

clearing sight distances in all four quadrants, inadequate corner sight distances in all four quadrants, and high train speeds.

**Janesville Street (STH 59) (No. 391604G / MP 50.45)**

28. STH 59 is 180 feet wide in the vicinity of the crossing and intersects the railroad tracks at an angle of 40 degrees with a right-hand forward skew. The roadway approaches to the crossing are level.

29. STH 59 carried an ADT of 8,100 according to WisDOT records at a posted speed limit of 35 mph.

30. A driver traveling at 35 mph needs a distance of 355 feet to stop safely. The crossing warning devices are visible from more than 355 feet in each direction. The approach sight distance is adequate.

31. Assuming a train speed of 40 mph, a driver traveling at 35 mph needs to see a train when it is 503 feet from the crossing from a point 355 feet down the highway. The sight distance available in each quadrant from the safe stopping distance is as follows: 150 feet in the northwest quadrant, 439 feet in the northeast quadrant, 310 feet in the southwest quadrant, and 219 feet in the southeast quadrant. The corner sight distance is inadequate in all four quadrants.

32. At all crossings, except those with gates, a driver stopped 23 feet short of the near rail must be able to see far enough down the track, in both directions, to determine if sufficient time exists for moving their vehicle safely across the tracks to a point 23 feet past the far rail, prior to the arrival of a train. Required clearing sight distance along both directions of the track, from the stopped position of the vehicle, is dependent upon the maximum train speed and the acceleration characteristics of the “design” vehicle (WB-65 semi-truck).

33. The necessary clearing sight distance at the STH 59 crossing is 1,191 feet. The available clearing sight distance is 530 feet in the northwest quadrant, 241 feet in the northeast quadrant, 278 feet in the southwest quadrant, and 618 feet in the southeast quadrant. The clearing sight distance is inadequate in all four quadrants.

34. The exposure factor at this crossing is 16,200. The exposure factor equals the product of the number of trains per day and the number of highway vehicles per day, which yields a numerical value for the potential conflicts each day at the crossing.

35. One train-vehicle accident has occurred at this crossing since 1973 in 1978 with no reported injuries.

36. The crossing is presently protected with antiquated cantilevered 12-inch LED automatic flashing lights and reflective crossbucks. Conditions warrant upgrading the warning devices at this crossing. The existing warning devices will be adequate until such time as the new warning devices are installed.

37. In order to adequately protect public safety, cantilevered 12-inch LED automatic flashing lights with gates are needed because of the inadequate clearing sight distances in all four quadrants, inadequate corner sight distances in all four quadrants, high exposure factor, and high train speeds.

### **Conclusion of Law**

The Office of the Commissioner of Railroads has jurisdiction over this matter under Wis. Stat. §§ 195.03 (2), 195.28 and 195.29 and enters this order consistent with the findings of fact.

### **Order**

1. **WSOR** shall install and maintain 12-inch LED automatic flashing lights with gates and constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with Walworth Street at-grade in the city of Whitewater, Walworth County by **December 31, 2020**. (Crossing No. 391603A / MP 50.09)

2. **WSOR** shall install and maintain 12-inch LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with Franklin Street at-grade in the city of Whitewater, Walworth County by **December 31, 2020**. (Crossing No. 391602T / MP 49.94)

3. **WSOR** shall install gates and maintain cantilevered 12-inch LED automatic flashing lights with gates, constant warning time circuitry, and other appropriate appurtenances in accordance with such plans as are filed with and approved by the Office at the crossing of its tracks with Janesville Street at-grade in the city of Whitewater, Walworth County by **December 31, 2020**. (Crossing No. 391604G / MP 50.45)

4. **WSOR** shall submit to the Office signal and circuit plans with the cost estimate of its proposed installation and upon completion of the signal project, a detailed statement of the actual cost to the Office and to the WisDOT.

5. The signal installation work herein ordered shall not begin until the regional office of the WisDOT informs the railroad that they may start such work and such start notice will not be issued until appropriate federal aid or other funding arrangements have been assured.



The cost of the new project initiated before the start notice will not be reimbursed with public funds and shall be the responsibility of the railroad.

6. **WSOR** shall coordinate the signal installation work herein ordered with the municipality and shall submit to the Office a plan and timetable for work completion at least 90 days prior to commencing the work.

7. To the extent feasible, the **WSOR** shall re-use existing signal equipment.

8. **WSOR** shall notify the Office upon completion of the signal project.

9. **WSOR** shall bear no part of the cost of the crossing signal materials or installation, except for any cost assessed to the railroad pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office.

10. The **WSOR** shall clear brush and trees from its right-of-way for 330' down the tracks in each direction from the Janesville Street (STH 59) and Franklin Street crossings by **April 30, 2018**.

11. The **city of Whitewater** shall maintain advance warning signs (sign W10-1) at a distance in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) from the crossing on each approach at Walworth Street.

12. The **city of Whitewater** shall maintain the southbound advance warning sign and install and maintain a northbound advance warning sign (sign W10-1) at a distance in accordance with the MUTCD from the crossing on each approach at Franklin Street by **April 30, 2018**.

13. The **city of Whitewater** shall install and maintain a "parallel tracks" advance warning sign [Sign W10-2, 3, or 4 in the MUTCD] on Harper Street for northbound traffic at a

distance according to the MUTCD from the intersection by Walworth Avenue and Harper Street by **April 30, 2018**.

14. **WisDOT** shall maintain advance warning signs (sign W10-1) at a distance in accordance with the MUTCD from the crossing on each approach at Janesville Street (STH 59).

15. The **city of Whitewater** shall install and maintain pavement markings including stop lines in accordance with the Wisconsin Manual on Uniform Traffic Control Devices (WMUTCD) from the crossing on each approach at Walworth Street and Franklin Street by **December 31, 2020**.

16. **WisDOT** shall maintain pavement markings in accordance with the WMUTCD from the crossing on each approach at Janesville Street (STH 59).

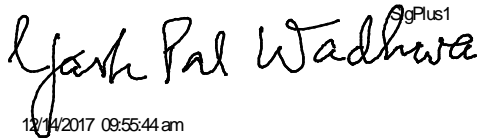
17. **WSOR** shall bear no part of the cost of the crossing signal materials or installation, except for any cost assessed to the railroad pursuant to Wis. Stat. § 195.60 for the investigation of this matter by the Office. The railroad shall not pass on those assessment costs either directly or indirectly.

18. If the city of Whitewater, railroad or any interested party objects to this order and requests a hearing within 20 days of the date of this order in writing, the office will hold a public hearing.

19. This Final Decision is effective one day after service.

Docket 9170-RX-332

20. Jurisdiction is retained.

SgPlus1

12/14/2017 09:55:44 am

Yash P. Wadhwa, P.E.  
Commissioner of Railroads

da:kk:DL: 01536937

See attached Notice of Rights

OFFICE OF THE COMMISSIONER OF RAILROADS  
610 North Whitney Way  
P.O. Box 7854  
Madison, Wisconsin 53707-7854

**NOTICE OF RIGHTS FOR REHEARING OR JUDICIAL REVIEW, THE TIMES  
ALLOWED FOR EACH, AND THE IDENTIFICATION OF THE PARTY TO BE  
NAMED AS RESPONDENT**

The following notice is served on you as part of the Commissioner's written decision. This general notice is for the purpose of ensuring compliance with Wis. Stat. § 227.48(2), and does not constitute a conclusion or admission that any particular party or person is necessarily aggrieved or that any particular decision or order is final or judicially reviewable.

*PETITION FOR REHEARING*

If this decision is an order following a contested case proceeding as defined in Wis. Stat. § 227.01(3), a person aggrieved by the decision has a right to petition the Office of the Commissioner of Railroads (Office) for rehearing within 20 days of the date of service of this decision, as provided in Wis. Stat. § 227.49. The date of service is shown on the first page. The petition for rehearing must be filed with the Office and served on the parties. An appeal of this decision may also be taken directly to circuit court through the filing of a petition for judicial review. It is not necessary to first petition for rehearing.

*PETITION FOR JUDICIAL REVIEW*

A person aggrieved by this decision has a right to petition for judicial review as provided in Wis. Stat. § 227.53. In a contested case, the petition must be filed in circuit court and served upon the Office within 30 days of the date of service of this decision if there has been no petition for rehearing. If a timely petition for rehearing has been filed, the petition for judicial review must be filed within 30 days of the date of service of the order finally disposing of the petition for rehearing, or within 30 days after the final disposition of the petition for rehearing by operation of law pursuant to Wis. Stat. § 227.49(5), whichever is sooner. If an *untimely* petition for rehearing is filed, the 30-day period to petition for judicial review commences the date the Office serves its original decision.<sup>1</sup> The Office must be named as respondent in the petition for judicial review.

If this decision is an order denying rehearing, a person aggrieved who wishes to appeal must seek judicial review rather than rehearing. A second petition for rehearing is not permitted.

Revised: April 16, 2016

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<sup>1</sup> See *Currier v. Wisconsin Dep't of Revenue*, 2006 WI App 12, 288 Wis. 2d 693, 709 N.W.2d 520.